

Message Text

UNCLASSIFIED

PAGE 01 BRUSSE 10182 01 OF 02 181459Z
ACTION CPR-01

INFO OCT-01 EUR-12 ISO-00 L-03 JUSE-00 OPR-02 A-01

PER-05 /025 W

-----083629 181724Z /43

R 181455Z AUG 77

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 1416

UNCLAS SECTION 01 OF 02 BRUSSELS 10182

E.O.: 11652: N/A

TAGS: PDIP

SUBJECT: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY
INSURANCE

REF: STATE 189095

FOLLOWING ARE RESPONSES TO QUESTIONS RAISED IN REFTEL:

A. IS THERE A MANDATORY LIABILITY INSURANCE LAW IN HOST COUNTRY
APPLICABLE TO ALL AUTOMOBILES REGISTERED THEREIN?

YES.

B. IF SUCH LAW EXISTS, WHAT ARE MINIMUM COVERAGE AMOUNTS
REQUIRED, AND HOW IS REQUIREMENT ENFORCED AGAINST DIPLOMATS?

LIABILITY INSURANCE IS UNLIMITED UNDER BELGIAN LAW
WITH NO EXCEPTIONS.

IN ORDER TO BE REGISTERED, ALL MOTOR VEHICLES MUST HAVE THIRD
PARTY LIABILITY INSURANCE THROUGH A BELGIAN INSURANCE COMPANY
WITH PROOF OF SUCH PROVIDED BY THE INSURANCE COMPANY'S
STAMP ON THE LICENSE PLATE APPLICATION.

MOST INSURANCE COMPANIES INFORM THE APPROPRIATE EMBASSY IF
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BRUSSE 10182 01 OF 02 181459Z

A MEMBER OF ITS STAFF CANCELS HIS/HER POLICY OR PERMITS IT TO
LAPSE. IT IS POSSIBLE, BUT HIGHLY IMPROBABLY, THAT A MEMBER
OFA FOREIGN MISSION WOULD CANCEL HIS POLICY AND CONTINUE TO
DRIVE THE VEHICLE UNINSURED. IF AN ACCIDENT OCCURS UNDER THOSE
CIRCUMSTANCES, THE EMPLOYEE COULD THEN TRY TO CLAIM IMMUNITY.
HOWEVER, THERE HAVEBEEN NO INSTANCES IN RECENT YEARS.

C. IF NO SUCH LAW EXISTS, IS THERE A SPECIFIC REQUIREMENT BY LAW OR REGULATION, THAT FOREIGN DIPLOMATIC MISSION VEHICLES AND VEHICLES OF DIPLOMATS BE INSURED? IF SO, GIVE DETAILS INCLUDING MEANS OF ENFORCEMENT.
UNCLASSIFIED

SEE A & B ABOVE.

D. IF NO LEGAL OR REGULATORY REQUIREMENT IS IMPOSED BY HOST GOVERNMENT, DO ALL MEMBERS OF MISSION, INCLUDING MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFF, WHO UNDER VIENNA CONVENTION ENJOY ONLY OFFICIAL ACTS IMMUNITY, CARRY LIABILITY INSURANCE ON PERSONALLY OWNED VEHICLES MEETING PRESCRIBED MINIMUM LEVELS? IF SO, GIVE DETAILS, INCLUDING EXPLANATION OF ENFORCEMENT MECHANISM EMPLOYED AT POST.

AS INDICATED ABOVE, LIABILITY INSURANCE IS MANDATORY. THE EMBASSY'S JOINT ADMINISTRATIVE OFFICE WOULD BE ADVISED BY THE INSURANCE COMPANY IF ANY EMPLOYEE ATTEMPTED TO CANCEL THE INSURANCE OR PERMIT IT TO LAPSE. TO DATE, THERE HAVE BEEN NO INSTANCES.

E. DOES LOCAL LAW PROVIDE FOR DIRECT LEGAL ACTION AGAINST INSURERS, THUS BYPASSING PROBLEM OF DIPLOMATIC IMMUNITY BY ENABLING PLAINTIFFS TO SUE INSURANCE COMPANY DIRECTLY.

YES. WHEN AN ACCIDENT FALLS UNDER THE TERMS OF "THIRD PARTY LIABILITY," THE BELGIAN INSURANCE COMPANIES HONOR ANY CLAIMS MADE BY THE VICTIMS OF THE ACCIDENT EVEN THOUGH THE INSURED PARTY MAY LAY CLAIM TO DIPLOMATIC IMMUNITY. (IN ESSENCE, THE COMPANY ASSUMES THE LIABILITY AND MAY NOT CLAIM THE DIPLOMATIC IMMUNITY
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BRUSSE 10182 01 OF 02 181459Z

THAT THE INSURED MAY HAVE.) WE UNDERSTAND THAT THIS DECISION WAS A RESULT OF A SERIOUS INCIDENT ABOUT TEN YEARS AGO WHEN AN INSURANCE COMPANY TRIED TO AVOID PAYMENT OF A CLAIM BY ATTEMPTING TO HIDE BEHIND AN IRON CURTAIN EMBASSY OFFICER'S DIPLOMATIC IMMUNITY SHIELD.

F. IF SUCH PROVISION EXISTS, CAN INSURANCE COMPANY DEFEND ON GROUND THAT INSURED HAS VIOLATED A CONTRACT TERM, SUCH AS FAILURE TO COOPERATE IN DEFENSE AGAINST THE ACTION BY TESTIFYING IN COURT?

NO.

G. IF ANSWER TO LAST QUESTION IS YES, HOW IN PRACTICAL TERMS ARE SATISFACTORY SETTLEMENTS REACHED WITH INSURANCE COMPANIES?

N.A.

H. IS THERE A SYSTEM BY WHICH ALL DIPLOMATIC PERSONNEL AND DIPLOMATIC MISSIONS SEEKING AUTOMOBILE LIABILITY INSURANCE CAN OBTAIN IT? DOES HOST STATE PROVIDE ASSISTANCE IN THIS REGARD?

HOST GOVT. DOES NOT PROVIDE ASSISTANCE IN OBTAINING INSURANCE. HOWEVER, INSURANCE COMPANY REPRESENTATIVES ARE READILY AVAILABLE.

IN FACT, REPRESENTATIVES REGULARLY VISIT US GOVT. INSTALLATIONS TO SELL INSURANCE TO USG EMPLOYEES.

I. ARE PREMIUM RATES APPLICABLE TO DIPLOMATS SIGNIFICANTLY HIGHER THAN THOSE APPLICABLE TO CITIZENS OF HOST COUNTRY IN PROFESSIONAL OCCUPATIONS?

THE PREMIUM RATES APPLICABLE TO DIPLOMATS ARE LOWER THAN THOSE APPLICABLE TO LOCAL NATIONALS IN PROFESSIONAL OCCUPATIONS.

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 BRUSSE 10182 02 OF 02 181500Z
ACTION CPR-01

INFO OCT-01 EUR-12 ISO-00 L-03 JUSE-00 OPR-02 A-01
PER-05 /025 W

-----083618 181724Z /43

R 181455Z AUG 77
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 1417

UNCLAS SECTION 02 OF 02 BRUSSELS 10182

J. IS THE INSURANCE CONTRACT WRITTEN FOR DIPLOMATS DIFFERENT FROM MORE OR LESS STANDARD CONTRACT IN USE IN HOST COUNTRY. IF SO, POUCH SAMPLE COPY IN ENGLISH TEXT TO PROTOCOL SOONEST.

THIRD PARTY LIABILITY CONTRACT IS STANDARD FOR ALL BELGIAN INSURANCE COMPANIES AND REGULATED BY GOVERNMENT DECREE. CERTAIN SPECIAL CONDITIONS EXIST FOR DIPLOMATS. COPY BEING FORWARDED TODAY.

K. DOES HOST GOVT. REQUIRE EMBASSIES OR INSURED DIPLOMATS TO WAIVE IN ADVANCE IMMUNITY FROM LIABILITY FOR COVERED ACTS.

NO.

L. IF DIPLOMAT CAUSES ACCIDENT, IS IT CUSTOMARY FOR WAIVER TO BE LIMITED TO AMOUNT OF LIABILITY INSURANCE COVERAGE?

N.A. SEE B & E ABOVE.

M. DOES PREVAILING SYSTEM WORK WELL, TO EXTENT THAT THERE HAVE BEEN IN RECENT YEARS NO NOTORIOUS CASES OF PERSONAL INJURY OR DEATH CAUSED BY A DIPLOMAT OF ANY MISSION

WHERE THERE HAS BEEN NO OR INADEQUATE COMPENSATION RESULTING
FROM LACK OF INSURANCE OR FAILURE OF INSURANCE COMPANY TO SETTLE?

PREVAILING SYSTEM WORKS WELL. NO NOTORIOUS CASES IN LAST
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 BRUSSE 10182 02 OF 02 181500Z

10 YEARS.

N. IS THERE ANY SYSTEM BY WHICH PERSONS SUFFERING DAMAGE AT
HANDS OF DIPLOMATIC PERSONNEL RECEIVE COMPENSATION FROM HOST
GOVERNMENT.

NO. CHAMBERS

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSURANCE, DIPLOMATIC PRIVILEGES, AUTOMOBILES
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BRUSSE10182
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770298-0618
Format: TEL
From: BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770850/aaaabqbt.tel
Line Count: 187
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 5caa1759-c288-dd11-92da-001cc4696bcc
Office: ACTION CPR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 189095
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1569590
Secure: OPEN
Status: NATIVE
Subject: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY INSURANCE
TAGS: PDIP, BE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/5caa1759-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009